

Appl. No. 10/676,216
Amdt. dated 10/14/2005
Reply to Office action of 09/16/2005

REMARKS/ARGUMENTS

Reconsideration is requested of all rejections based on the judicially created doctrine of obviousness-type double patenting :

With respect to claims 3-5 and 10-14, rejected as being unpatentable over claims 1-11 and 19-22 of US 6,461,563:

In defense of claims 3-5, we note that claims 1-11 (of 6,461,563) are limited to two mixtures (feedstocks) whereas claims 3-5 are for an unlimited number of mixtures. It is by no means obvious that claims 1-11 can be extended to more than two mixtures. In general, without the additional restriction of the mixtures differing in only one functional property (see lines 3-5 of claim 3), any attempts to extend claims 1-11 to more than two mixtures will fail.

In defense of claims 10-14, we note that claims 19-22 (of 6,461,563) teach a differential shrinkage (after sintering) of 1% or less between the mixtures, whereas claim 10 teaches a differential shrinkage of at least 10% between two of the mixtures..

Additionally, claim 10 teaches that the third feedstock is given the specific shape of a cylindrical pin-cushion. This is necessary if the end product is to be a wire die and is not, per se, an obvious extension of claim 19.

With respect to claims 3-5 and 10-14, rejected as being unpatentable over claims 1-6 of US 6,660,225:

Appl. No. 10/676,216
Amdt. dated 10/14/2005
Reply to Office action of 09/16/2005

We respectfully point out that the present invention is a divisional application of US 6,660,225 and was filed before US 6,660,225 issued. This makes its rejection for the stated grounds invalid. Examiner's attention is drawn to 35 USC 121 which states that "A patent issuing on an application with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application."

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

GEO. O. SAILE & ASSOCIATES

28 Davis Avenue
Poughkeepsie
NY 12603

By 

Stephen B. Ackerman
Reg. No. 37761